



Decision Day
Robert Helverson to: KarenD Johnson, Karl Markiewicz, Lora Werner, Michael DAndrea, TForrester, Victoria Binetti

11/30/2011 01:27 PM

From: Robert Helverson/R3/USEPA/US
To: KarenD Johnson/R3/USEPA/US@EPA, Karl Markiewicz/R3/USEPA/US@EPA, Lora Werner/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, TForrester@cdc.gov, Victoria Binetti/R3/USEPA/US@EPA

Judge denies request to delay end of water deliveries in Dimock (11/30/11)

<http://thetimes-tribune.com/news/judge-denies-request-to-delay-end-of-water-deliveries-in-dimock-1.1239098#axzz1fDGqmXfx>

An Environmental Hearing Board judge has denied Dimock Twp. families' petition to delay the end of fresh water deliveries on the day tankers are slated to stop bringing replacement water to their homes.

The decision was a blow to the families, whose lawyers had made a last-minute push to stay a Department of Environmental Protection decision that allows natural gas driller Cabot Oil and Gas Corp. to stop delivering the water it has provided for several years.

The state has found the company responsible for methane contamination of water supplies that feed 19 homes and 11 of the affected families have appealed the state's decision to allow the water deliveries to stop.

In his order denying the families' petition, Judge Bernard A. Labuskes, Jr. called for the families, Cabot and the state to submit arguments by Dec. 7 for or against a second, non-emergency petition filed by the families in an effort to restore the water deliveries.

In October, DEP said Cabot could stop the water deliveries by today because the company had met the obligations described in a December 2010 settlement between the agency and the driller over the methane contamination. The settlement required the company to offer to install methane-removal systems and fund escrow accounts with twice the tax-assessed value of each of the 19 affected homes, but did not require the company to restore the affected water to its pre-drilling quality.

In their petition for an injunction, lawyers for 11 of the affected families said the department's settlement terms ignored state law, which requires drillers to permanently restore or replace water supplies contaminated by their operations.

Both Cabot and the state argued that the families' petition did not meet the legal requirements for an emergency injunction.

Cabot, which denies it caused the contamination, argued in a legal filing Monday that the families' appeal came too late, their well water is safe to drink and, even if it were not, the families could get their own fresh water delivered "at modest cost" or collect it for free from an artesian well in Montrose.

Robert H. Helverson
Regional Representative
Agency for Toxic Substances and Disease Registry (ATSDR), Region 3
Department of Health and Human Services
1650 Arch Street (3HS00)
Philadelphia, PA 19103
(215) 814-3139 (Office)

(215) 814-3003 (Fax)

Robert Helverson	The attached table has that original summary table of maximum values from all samples. On the first	11/29/2011 03:26:14 PM
From:	Robert Helverson/R3/USEPA/US	
To:	Lora Werner/R3/USEPA/US@EPA, KarenD Johnson/R3/USEPA/US@EPA, Karl Markiewicz/R3/USEPA/US@EPA, Michael DAndrea/R3/USEPA/US@EPA, TForrester@cdc.gov, Victoria Binetti/R3/USEPA/US@EPA	
Date:	11/29/2011 03:26 PM	
Subject:	Re: Dimock well data - pre and post treatment data	

The attached table has that original summary table of maximum values from all samples. On the first worksheet, the background values are still in the works (especially due to the recent "lab errors" reported on the recent Penn State study!) The additional worksheets within the Excel workbook include pre and post treatment comparison data for a number of residential wells (**Ex. 6 - Personal Privacy**). Interesting. I hope this helps explain why there is confusion about whether or not the Cabot-installed treatment systems are working.

[attachment "Dimock summary maximum hits table.xlsx" deleted by Robert Helverson/R3/USEPA/US]

Robert H. Helverson
Regional Representative
Agency for Toxic Substances and Disease Registry (ATSDR), Region 3
Department of Health and Human Services
1650 Arch Street (3HS00)
Philadelphia, PA 19103
(215) 814-3139 (Office)
(215) 814-3003 (Fax)